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off

In the
US District Court
For the
Western District of New York

Carlos Bayon

v

USA;

Monroe County Jail;

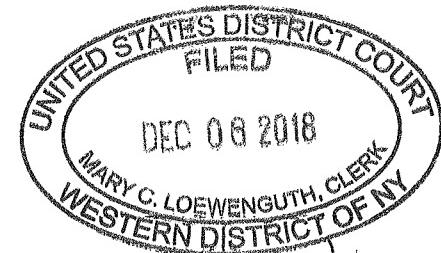
PRIMEcare Medical, Inc.;

OSHA

18 CV1423 W

case #

Complaint



I am a 63 years old male incarcerated in the

above mentioned facility on Federal charges.
Since arriving here on or about 10/23/2018 I
have received inadequate medical care for my

diabetes and hypertriglyceridemia and a
fungal infection of my toes. That it is under
the nails. I have also a history of cancer

and the Doctor here, Dr. Fletcher, has
refused to send me to a dermatologist to
evaluate suspicious looking moles. Dr. Fletcher

refuses to consult with my endocrinologist
or refer me to him. Dr. Fletcher, to save

money has taken me off of insulin Santos
and Lortab which has precipitated pancreatitis
and neuropathy again. Dr. Fletcher stated
that he and Prime Care Medical Inc. would not
treat my conditions.

Dr. Fletcher is experimenting with me and has placed me in a vegetarian diet without meat salt or sugars. I have lost a total of 35 pounds due to the insufficient amount of food in another facility and in this one and Dr. Fletcher's experiment. I am always tired, sleep 20 hours daily, I have pain around the pancreas (pancreatitis) and I have all the symptoms again of neuropathy including pins and needles, burning, itching of the pins and needles, my endocrinologist managed to lower my triglycerides but I have been eating the same things control. I have been eating white rice and apple sauce.

For weeks the defendants also starve the plaintiff and his last meal of the day is at 4 pm and if it is not until 7 AM the following day Fed again, a total of 15 hours without food.

Dr. Fletcher believes that he can treat hypertriglyceridemia with regular over-the-counter fish oil and that the pharmaceutical companies have "brain washed" me into believing that Lovaza works and that he can treat me with fish oil.

I am indigent and have been since my arrest by federal Marshalls that prevent me from taking money with me so I have been unable to buy extra food from the jail and prevent my physical deterioration and weight loss.

Private Care Medical Inc. refuses to provide me with Insulin, Lovaza and refuses to test my blood with the "finger stick" but insist that I continue to take a blood sugar lowering medication (~~Lovaza~~ Metformin).

This could be fatal to me.
This facility, the Monroe County jail, has a mice and rat infestation. Inmates have been bitten and I have strange bites on my legs. The infestation is out of control and from my cell at ⁽²⁵⁻³⁰⁾ night I see mice running around the dining area.

This facility does not meet Federal or state standards and should be closed and cleaned from bedding and flying pests. The temperature on the cells is kept below a temperature fit for humans.

In this facility inmates are triage in front of other inmates and questions about their medications, HIV and hepatitis are discussed in front of everyone even when privacy areas are available. HIPPA regulations are not followed.

Defendants refuse to provide medications that are not in their formulary, because they are too expensive and recommend the condition be treated outside after completion of sentence. This is frequently a death sentence.

These is cruel and unusual punishment. The defendants also run a food commissary for the inmates that have money so the Monroe County jail has conflicting interest. In the one hand they make money by supplying food to inmates if in the other they do not supply sufficient food for the inmates. I discovered by asking other inmates that they spend about \$50.00 dollar a week to supplement the meager amount of food this jail supply and makes the jail commissary a multi millions dollar business.

Because of the experimental diet of Dr. Fletcher
I feel hunger all the time and I have a fear of
starvation. I am unable to concentrate long enough
to defend my criminal case. I am fearful of
Dying, I feel anxious, nervous and depressed.

The noise level inside the pods reach incredible
decibels levels and the guards do not control
or keep the noise down to a liveable level.
These levels affect the guards as well and
they are irritable and look that they
consume too much alcohol.

The noise levels may be controlled by placing
mental inmates in a separate area
from normal inmates or providing
activities.

Inmates are consuming raw Ramen
noodles soups supplied by the jail
commissary since boiling water or a
microwave oven is not available to
the inmates. These soups may be
the cause high blood pressure, high cholesterol,
stomach ulcers and cancers associated
with the high consumption of Sodium.
Some inmates consume as much as 20 soups
a week.

Parties:

Carlos Bacon Plaintiff - inmate # 399442
130 S. Plymouth Ave
Rochester, NY 14614

Defendants:

Monroe County Jail > at 130 S. Plymouth
Prime Care Medical Inc > Rochester NY
14614
Phone (585) 753-4178

Defendants:

USA > at elo James P. Kennedy Jr.
OSHA > US Attorney
138 Delaware Ave
Buffalo, NY 14202
Phone (716) 843-5873

Remedy Sought:

An action under 42 USC 1983, Compensatory, Injunctive, Punitive
and all legal remedies available.

Jury Verdict:

Signature:

Carlos B 11-29-2018

Under Penalty of Perjury:

In Forma Pauperis
Plaintiff without funds and would like to proceed in
Forma pauperis as a poor person. Carlos B 11-29-2018
Under Penalty of Perjury

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

B ayon

DEFENDANTS

UST, et al

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES.)

County of Residence of First Listed Defendant _____

*(IN U.S. PLAINTIFF CASES ONLY)*NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number,

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question
<i>(U.S. Government Not a Party)</i> |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity
<i>(Indicate Citizenship of Parties in Item III)</i> |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT

- 110 Insurance
- 120 Marine
- 130 Miller Act
- 140 Negotiable Instrument
- 150 Recovery of Overpayment & Enforcement of Judgment
- 151 Medicare Act
- 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- 153 Recovery of Overpayment of Veteran's Benefits
- 160 Stockholders' Suits
- 190 Other Contracts
- 195 Contract Product Liability
- 196 Franchises

PERSONAL INJURY

- 310 Airplane
- 315 Airplane Product Liability
- 320 Assault, Libel & Slander
- 330 Federal Employers' Liability
- 340 Marine
- 345 Marine Product Liability
- 350 Motor Vehicle
- 355 Motor Vehicle Product Liability
- 360 Other Personal Injury
- 362 Personal injury - Medical Malpractice

PERSONAL INJURY

- 365 Personal Injury - Product Liability
- 367 Health Care/Pharmaceutical Personal Injury Product Liability
- 368 Asbestos Personal Injury Product Liability
- 370 Other Fraud
- 371 Truth in Lending
- 380 Other Personal Property Damage
- 385 Property Damage Product Liability

PERSONAL PROPERTY

- 370 Other Fraud
- 371 Truth in Lending
- 380 Other Personal Property Damage
- 385 Property Damage Product Liability

TORTS

- 625 Drug Related Seizure of Property 21 USC 881
- 690 Other

Click here for: Nature of Suit Code Descriptions

BANKRUPTCY

- 422 Appeal 28 USC 158
- 423 Withdrawal 28 USC 157

- 375 False Claims Act
- 376 Qui Tam (31 USC 3729(a))
- 400 State Reapportionment
- 410 Antitrust
- 430 Banks and Banking
- 450 Commerce
- 460 Deportation
- 470 Racketeer Influenced and Corrupt Organizations
- 480 Consumer Credit
- 490 Cable/Sat TV
- 850 Securities/Commodities/ Exchange
- 890 Other Statutory Actions
- 891 Agricultural Acts
- 893 Environmental Matters
- 895 Freedom of Information Act

PROPERTY RIGHTS

- 820 Copyrights
- 830 Patent
- 835 Patent - Abbreviated New Drug Application
- 840 Trademark

LABOR

- 710 Fair Labor Standards Act
- 720 Labor/Management Relations
- 740 Railway Labor Act
- 751 Family and Medical Leave Act
- 790 Other Labor Litigation

SOCIAL SECURITY

- 861 HIA (1395ff)
- 862 Black Lung (923)
- 863 DIWC/DIWV (405(g))
- 864 SSID Title XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS

- 870 Taxes (U.S. Plaintiff or Defendant)
- 871 IRS—Third Party 26 USC 7609

IMMIGRATION

- 462 Naturalization Application
- 465 Other immigration Actions

REAL PROPERTY

CIVIL RIGHTS

PRISONER PETITIONS

CRIMINAL

CIVIL

CIVIL RIGHTS

CIVIL RIGHTS</

Carlos Bayon Prisoner # 399442

location 2S-30

130 S. Plymouth Ave
Rochester, NY 14614

DEC - 6 2018

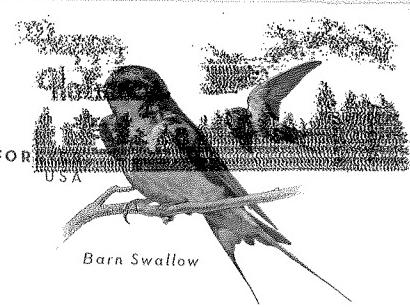
BUFFALO

legal
mail

14202-335099

ROCHESTER NY 14614

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To: US District Court
Clerks Office
2 Niagara Square
Buffalo, NY 14202

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